

Application no. 10/087,487  
Amendment dated: August 10, 2005  
Reply to office action dated: May 10, 2005

### REMARKS

Claims 1-14 are pending in the application. By this paper, claims 1, 6, 8, 9 and 11 have been amended. Reconsideration and allowance of the application in light of the amendments and arguments herein are respectfully requested.

#### Introduction

The present application is related to a communication system which executes a communication task in a manner adaptable to available resources. The application recognizes that sometimes there is a variety of resources available on a communication network for completing a task required by a communication device. The resources may vary by the quality of service provided. The necessary or desired quality of service may depend on capabilities of the resource-providers or the communication network itself, such as communication bandwidth. The necessary or desired quality of service may depend on the communication device originating the request. Further, necessary resources may be distributed on the network and not readily available with other necessary resources. Examples are given in the Background section of the present application at pages 1-2. The application therefore describes aspects of a system which permits a communication device to specify a quality of service and to match the allocated resources to the desired quality of service.

#### Claim amendments

Claims 1, 6, 8, 9 and 11 have been amended slightly to further emphasize these aspects of the present invention defined by these claims. Independent claims 1 defines a communication system and has been amended to recite that a communication device on the system includes "a service quality requesting device to notify the resource-mediating server of a preferred level of task service quality for the necessary resources." A similar limitation has been added to claim 11. Claims 6, 8 and 9 are dependent from claim 1 and have been amended to keep them consistent with amended claim 1. Support for these amendments is found throughout the application, particularly at page 8, line 15 through page 9, line 4. Claim 1 has also been amended

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to delete the positive reference to "a communication network" and instead to recite the network inferentially. No new matter is added by these amendments.

Thus, as amended, claim 1 includes a device which notifies the resource-mediating server of a preferred level of task service quality for services being requested. The broadest meaning of "service quality" is intended by this recitation. Examples are provided at page 5, lines 9-15, for example:

When a task such as a communication task is executed by using distributed resources, the user of the communication device 106 has a certain preferred level of service quality for execution of the task. In one illustrative example, when a video teleconference is held, in one case the user may demand high quality image of standard television transmissions along with compact-disk quality sound. In another case, the user may be satisfied with lesser quality video and audio.

Further, the quality specification may be explicit or implicit, as explained at page 8, lines 19-29:

The preferred level of service quality may be **specifically set out** in one or more items of information. For example, the service quality requesting device 210 may specify that a video conference transmission should include audio of a first specified quality and video of a second specified quality. Alternatively, the preferred level of service quality may be **implicit in the request** for resources. In such an example, the request for resources might specify that receipt of a video conference is desired with the terminal or communication device 106 comprising a personal digital assistant (PDA) and the communication channel comprising a cellular telephone link to the PDA. From such a request, the resource-mediating server 104 can identify an implicit preferred level of service. *(emphasis added)*

A request for services thus includes information about the desired quality of services to be provided. The requested quality of service is communicated with the request for resources to a server which is configured to identify available resources meeting the specified requirements. The server is further configured to form various combinations of resources to best meet the request of the user. The server determines a quality of service level provided for the combinations and selects a best combination or transmits a list of options to the communication device. In this manner, the reservation and assignment of distributed resources to a task becomes adapted to the particular requirements of the communication device. Page 15, lines 1-8 *(emphasis added)*.

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### The Cited Prior Art

Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 5,341,477 to Pitkin, et al. ("Pitkin"). Reconsideration of this rejection is respectfully requested. Pitkin fails to disclose the claimed feature of "notify[ing] the resource-mediating server of a preferred level of task service quality for the necessary resources," claims 1 and similar limitations of claims 11 and 13, or "receiv[ing] information about a preferred level of service from the communication device," claim 12.

Pitkin discloses a broker mechanism which allocates servers in a network. The broker receives a request for services while monitoring servers available to deliver services. A server is allocated based on a developed "network policy" for the servers based on local policies for each server (Abstract). The Office Action relies on the network policy as corresponding generally to quality of service in the present application.

However, Pitkin discloses a quite different meaning for network policy. At column 3, lines 3- 6, Pitkin explains

In most cases, the network policy is based on the servers' capacity to deliver a given service. The capacity of the given service, however, can be changed with the addition or subtraction of servers to the network. (*emphasis added*)

Thus, Pitkin is only limited to accommodating capacity issues, not addressing the different types of service quality exemplified throughout the patent application.

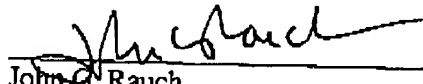
Moreover, Pitkin fails to disclose requesting a preferred level of service at a communication device or receiving such a request at a broker or other server. At column 9, line 64-68, Pitkin explains that "the broker 30 receives a message from the client 13 via path 54 containing the name of the service requested, i.e., service A<sub>1</sub>, A<sub>2</sub> or A<sub>3</sub>." Thus, only a service identifier is sent and received, not an indication of preferred level of service. Pitkin's broker proceeds to find a server that has the necessary capacity, column 10 line 14 - column 10, line 52, but never operates in relation to service quality.

Accordingly, independent claims 1, 11, 12, and 13 of the present application recite limitations nowhere shown, described or suggested by the cited reference. Accordingly, this reference can not anticipate the invention defined by these claims. Withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 1-14 is therefore respectfully requested.

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With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

  
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